

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

THOMAS HARTLEY,

Defendant.

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: 3:20-CR-269
: (JUDGE MARIANI)
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SCRANTON

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PER 
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ORDER

AND NOW, THIS 18 DAY OF AUGUST 2022, for the reasons set forth in this

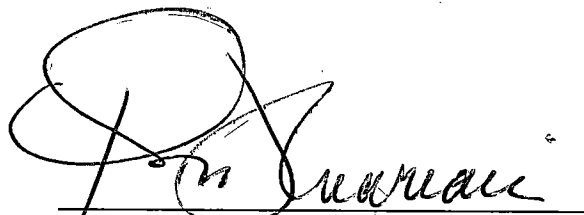
Court's accompanying Memorandum Opinion, upon consideration of Defendant Thomas Hartley's Motion for Early Disclosure of Jencks Act Material and Grand Jury Transcripts (Doc. 122) and Defendant's Motion for the Disclosure of the U.S. Army Declination and *Brady* Material Pursuant to Fed. R. Crim. P. (5)(f)(1) and *Brady v. Maryland*, 373 U.S. 83 (1963) (Doc. 84), **IT IS HEREBY ORDERED THAT:**

1. Defendant's Motion for Early Disclosure of Jencks Act Material and Grand Jury Transcripts (Doc. 122) is **DENIED IN PART AND GRANTED IN PART:**

- a. Defendant's request for early disclosure of Jencks Act material is **DENIED**.
- b. Defendant's request for the disclosure of grand jury transcripts is **DENIED**.
- c. Defendant's request for the production of "any documents [in the Government's possession] which contradict their theory of how BAH is calculated" (Doc. 123 at 4-5) as *Brady* material is **GRANTED**, to wit, the Government shall produce, **within 14 days of the date of this Order**, any

documents in its possession which contradict the Government's assertion as to how BAH is calculated and fall under the requirement of *Brady v. Maryland*, 373 U.S. 83 (1963) that evidence that is "material either to guilt or punishment" be turned over to the defendant.

2. Defendant's Motion for the Disclosure of the U.S. Army Declination and *Brady* Material Pursuant to Fed. R. Crim. P. 5(f)(1) and *Brady v. Maryland*, 373 U.S. 83 (1963) (Doc. 84) is **DENIED**.
3. Notwithstanding the Court's denial of Defendant's Motion for the Disclosure of the U.S. Army Declination and *Brady* Material Pursuant to Fed. R. Crim. P. 5(f)(1) and *Brady v. Maryland*, 373 U.S. 83 (1963) (Doc. 84), to the extent that the Government has any other documents in its possession that fall within its obligation under *Brady v. Maryland*, 373 U.S. 83 (1963) to turn over material that is "material either to guilt or punishment," the Government shall provide such documents to Defendant in accordance with *Brady* and shall do so **within 14 days of the date of this Order**.

A handwritten signature in black ink, appearing to read "R. Mariani", is written over a horizontal line.

Robert D. Mariani
United States District Judge